

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN-DUBUQUE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 21-CR-1016
)	
v.)	
)	
DERRICK DARRYL TRAWICK,)	DEFENDANT’S
a/k/a “KG,”)	AMENDED
)	TRIAL MEMORANDUM
)	
Defendant.)	

Defendant Derrick Trawick supplements his trial memorandum as follows:

I. Pretrial statement as to the status of the case.

A. This case is set for jury selection on January 27, 2022, with jury selection to be conducted (with consent of the parties) by the magistrate judge.

Trial is then to commence that afternoon.

B. The estimated length of trial is 3 to 4 days. The Defendant has not yet determined what witnesses to call, but estimates he may call one or two witnesses. The Defendant does not expect to call any expert witnesses. The government has made no plea offers in this case, and it is anticipated that the Defendant will proceed to trial.

C. The Defendant is detained.

D. An interpreter is not needed.

E. It is not proposed that a jury be waived.

F. The Defendant is charged with knowingly and intentionally aiding and abetting the distribution of a mixture of substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and heroin, a Schedule I controlled substance, within 1,000 feet of a playground. It is further charged that on May 31, 2019, M.M.'s use of the heroin and fentanyl distributed by the Defendant resulted in serious bodily injury to her; this in violation of 21 U.S.C. Sections 841(a)(1), (b)(1)(C), and 860(a). Joint proposed jury instructions have been filed by the parties, with both the government and the Defendant having filed objections regarding any contested instructions.

II. Evidentiary Issues.

A. Defendant's motion in limine; government's motion in limine; Defendant's motion for preliminary ruling on the admissibility of evidence. Both the Defendant and the government have filed motions in limine seeking rulings on several evidentiary issues. (Docket Nos. 30 and 32). Additionally, the Defendant filed a motion for the preliminary ruling on the admissibility of evidence (Docket 28). The motions remain pending before the court.

B. Stipulation.

It is foreseen that the parties will stipulate to the foundation for certain documentary evidence being offered by the government. The parties anticipate that they may also reach agreement as to the admissibility of certain exhibits. In

the event stipulations are reached, the parties will advise the court.

C. Federal Rule of Evidence 404(b) evidence. It is expected that the government will offer testimony regarding other alleged drug trafficking activity by the Defendant for the purpose of proving the Defendant's intent, knowledge, or other purposes permitted under Rule 404(b). The Defendant intends to object on grounds that any such evidence is merely intended to show the Defendant's propensity, and that it is otherwise excludable under Rule 403 as being unduly prejudicial. In addition to objecting to testimony regarding other alleged drug trafficking activity by the Defendant, the Defendant will object to the admission of photographs from 1028 Walnut Street, Dubuque, Iowa, evidencing drug possession or drug trafficking on relevance grounds and pursuant to Rule 403. It is believed that evidence will demonstrate that the items portrayed in these photographs were accessible to other occupants in the apartment and that the Defendant did not have exclusive control of those premises at the time the items were discovered and photographed.

III. Jury Instructions.

The parties have filed proposed jury instructions. (Docket 42).

IV. Experts.

The defense does not expect to call any expert witnesses at trial.

V. Conclusion.

It is anticipated that this case will proceed to trial and will not be resolved by a plea.

/s/ Leon F. Spies
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Derrick D. Trawick
(U.S. Mail)

NOTICE OF ELECTRONIC FILING

The undersigned certifies that the foregoing instrument was electronically filed and served, through the EDMS system or mail, upon all parties as they may respectively appear on the date of filing.

By: /s/ Leon F. Spies